

DRAFT
**MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, NC**

REGULAR MEETING:

18 JANUARY 2000

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Yvonne J. Johnson, Earl F. Jones, Robert V. Perkins, Tom Phillips, Donald R. Vaughan and Nancy Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Linda Miles, City Attorney; and Susan E. Crotts, Deputy City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Ben Woody, employee in the Planning Department, who served as courier for the meeting.

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Mayor Holliday read into the record a resolution naming a new park on Horse Pen Creek Road in honor of former mayor Carolyn S. Allen, presented her with a plaque and commended her outstanding efforts to preserve Greensboro's beauty. Ms. Allen expressed deep appreciation for this recognition. She stated that many citizens in the community were credited with the development of the City's Parks and Recreation programs and that the new park would be enjoyed by Greensboro and visitors from the surrounding area.

Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

4-00 **RESOLUTION NAMING PARK ON HORSE PEN CREEK ROAD IN HONOR OF
CAROLYN S. ALLEN**

WHEREAS, Carolyn S. Allen served as Mayor of Greensboro from 1993 through 1999;

WHEREAS, Carolyn S. Allen has been a strong advocate for environmental policies and regulations throughout her years as a resident and during her tenure as mayor;

WHEREAS, Mrs. Allen has been involved in many organizations striving to preserve Greensboro's natural environment, some of which include, the Conservation Council of North Carolina, Audubon Society's local chapter, Piedmont Bird Club, Piedmont Land Conservancy Board, and Piedmont Triad Council of Governments, Executive Committee;

WHEREAS, during her career, Mrs. Allen was instrumental in developing a process to assess and evaluate City services with respect to efficient use of public funds, in developing the Forecast 2015 Planning Process for Greensboro and Guilford County, and in supporting the Greensboro Housing coalition to increase affordable housing, all of which will improve the quality of life for citizens of this community;

WHEREAS, the City Council desires to show its sincere appreciation and gratitude for the many years of active participation rendered by Carolyn S. Allen in the best interest of the citizens of Greensboro for the preservation and beautification of the City;

WHEREAS, it is truly fitting to name the 65 acre park located on Horse Pen Creek Road in honor of Carolyn S. Allen who has encouraged environmental conservation over the years.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That for the distinguished service rendered to the city of Greensboro by Carolyn S. Allen and as a deserving tribute to this compassionate and dedicated citizen, the City Council does hereby direct that henceforth the park located on Horse Pen Creek Road be named the "CAROLYN S. ALLEN PARK" in honor of this outstanding citizen.

(Signed) Yvonne Johnson

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Bill Moore, Director of the Greensboro Historical Museum, spoke briefly to the development of the museum's current strategic plan. Rose Marie Ponton, member of the museum's board of trustees, provided detailed information included in the strategic plan and recognized key leaders: Sandy Neerman, Library Director; Mr. Moore, Gayle Fripp, Assistant Museum Director; Carol Turnow, Planning Consultant; Florence Gatten, Board President and other volunteers. Council complemented their outstanding efforts and the excellent work of the Historical Museum's staff members.

(A copy of the strategic plan is filed in Exhibit Drawer N, Exhibit Number 3 and is hereby referred to and made a part of these minutes.)

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Councilmember Burroughs White introduced and read into the record the following resolution commemorating the 40th Anniversary of the Woolworth Sit In.

Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

5-00 RESOLUTION COMMEMORATING THE 40TH ANNIVERSARY OF THE WOOLWORTH SIT-IN

WHEREAS, on February 1, 1960, Ezell Blair (Jibreel Khazan), David Richmond, Joseph McNeil, and Franklin McCain, four North Carolina Agricultural and Technical College freshman students walked into the Woolworth Five and Dime on Elm Street in Greensboro and sat down at the racially segregated lunch counter demanding to be served;

WHEREAS, this courageous, eventually successful action (the Sit-In) by the four A&T students (known as the Greensboro Four) was quickly followed by growing numbers from Bennett College as well as citizens from the community at the lunch counter in Greensboro;

WHEREAS, the Sit-In in Greensboro started the student civil rights movement of the Sixties, described by Dr. Martin Luther King, Jr. as "the turning point of the civil rights movement", directed to the equality and freedom of all Americans regardless of race, color and ethnic heritage;

WHEREAS, The Greensboro Sit-In Fortieth Anniversary Committee, representing 22 local organizations under the umbrella leadership of City Council Member Claudette Burroughs-White and businessman Randall Kaplan, has organized a program to commemorate the Sit-In of 40 years ago, honoring the Greensboro Four and all the associates and followers in their endeavor;

WHEREAS, the Committee has planned January 30 through February 6 as a week of activities throughout the City to commemorate this 40th anniversary encouraging citizens of this community and beyond to re-dedicate themselves to the Greensboro Four's mission of creating "One Community";

WHEREAS, the Committee will erect a historic marker noting the 1819 local beginning of the Underground Railroad's first route connecting Greensboro and Richmond, Indiana, a 19th Century local predecessor to the 1960's Sit-In;

WHEREAS, hundreds of people from the country will join together for this commemoration, celebration and re-dedication, including, Dr. McNeil of Hempstead, New York; Dr. Khazan of New Bedford, Massachusetts, Dr. McCain of Charlotte; Arun Gandhi of Memphis; Martin Luther King, III of Atlanta; Morris Dees of Montgomery, Alabama; Reverend Derek King of Indianapolis; Reverend John F. Hatchett of New York; William Leftwich of Washington, DC; Dr. William Chafe of Chapel Hill; Norma Johns of San Diego, Lieutenant Governor Dennis Wicker of Raleigh and Julian Bond.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the week of January 30, 2000 is hereby set aside as a week of commemoration, celebration and rededication of the 40th Anniversary of the Woolworth Sit-In and that this time be set aside each year to commemorate this important event in our history.

(Signed) Yvonne Johnson

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RM-8 Residential Multifamily for all residential uses permitted in RM-8 with specific conditions for property located on the north side of West Friendly Avenue between King George Drive and Carriage Crossing Lane. He stated that this matter was being heard on appeal filed by Henry H. Isaacson after receiving a 6-2 vote by the Zoning Commission to recommend denial of the request.

The Mayor administered the oath to those who wished to be heard.

Mr. Martin outlined the proposed conditional use rezoning; presented a map of the area; and stated that alternative conditions would be presented to the Council by the applicant. He provided the following staff recommendation:

This request is to rezone property from RS-12 Residential Single Family to Conditional Use – RM-8 Residential Multifamily.

The RS-12 District is primarily intended to accommodate single family detached dwellings at a density of 3.0 units per acre or less.

The RM-8 District is primarily intended to accommodate duplexes, townhouses, cluster housing and similar residential uses at a density of 8.0 units per acre or less.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) All residential uses permitted under RM-8 zoning district.
- 2) All units shall be designed for sale.
- 3) The portion of the property abutting the northern and eastern boundaries shall be developed solely with single family detached dwellings.
- 4) No trash compactor and no dumpster shall be located on the property other than for the purpose of collecting and removing construction debris, unless required by governmental authority.
- 5) Building construction shall consist of wood frame material with brick accents.
- 6) No building shall exceed two stories in height as viewed from the front of the building.
- 7) All street and other lighting shall be in harmony with the buildings constructed therein and shall be sufficient to provide adequate security for the inhabitants without disturbing adjoining property owners.
- 8) Developer shall establish a twenty-five (25) foot tree preservation area along the northern and eastern boundaries within which all healthy trees four (4) inches and greater in caliper shall be preserved.

- 9) A maximum of two (2) site access driveways from Friendly Avenue, one (1) aligned with Nora Drive and one (1) aligned with Friendway Road.
- 10) Developer shall provide a shared left-through lane and exclusive right turn lane for the southbound approach of the site driveway aligned with Friendway Road with a minimum of one hundred twenty-five (125) feet of storage for each lane.
- 11) Developer shall provide a shared left-through lane and exclusive right turn lane for the southbound approach of the site driveway aligned with Nora Drive with a minimum of fifty (50) feet of storage for each lane.
- 12) All the above designs and improvements shall conform to GDOT and NCDOT design standards as of the date of the approval of this application.
- 13) The developer shall control storm water run-off from all proposed built-upon areas and other new development areas on the site through the use of wet detention ponds or other best management practices meeting performance standards set forth in the City of Greensboro Watershed Protection regulations as of the date of the approval of this application. The pond will be designed to control the ten year storm event.
- 14) The wet detention pond and outfall will be located so that the piped outflow from the pond will be directed into the existing creek along the western boundary, not onto any adjoining property.
- 15) The developer shall maintain an undeveloped buffer, i.e. an area free from impervious construction, one hundred (100) feet from the stream located at the western boundary. This stream buffer, which amounts to approximately 4.2 acres, shall then be dedicated to the City of Greensboro for public purposes at the time of subdivision plat recordation. The developer shall retain credit for the area within this buffer for purposes of calculating the overall allowable density of the remainder of the site.
- 16) Developer shall connect its roadway system to Gretchen Lane and shall design and build its roadway so as to discourage thru traffic to the extent possible, all in cooperation with the Greensboro Department of Transportation.
- 17) There shall be a maximum of 363 single-family detached homes and townhomes in the proposed development.

Mr. Martin presented slides of the area and described the property, surrounding land use and zoning. He stated the Planning Department and Zoning Commission recommended denial of the request.

After Councilmember N. Vaughan requested that the residents be allowed to hear the staff recommendation prior to addressing Council, the Mayor suggested that due to the need to first hear the newly proposed conditions, the staff recommendation should be heard after the proponents addressed Council. The City Attorney advised that because this action varied from the existing policy, Council should adopt a motion to hear the staff recommendation following the proponents' presentation.

After Councilmember Perkins stated that his firm had a direct interest in this matter and he therefore, would not participate in voting on the stated motion or the rezoning, Councilmember D. Vaughan moved that Councilmember Perkins be excused from voting on this matter. The motion was seconded by Councilmember Jones and was unanimously adopted by voice vote of the Council.

Councilmember N. Vaughan moved that Council hear the staff recommendation at the end of the proponents' presentation. The motion was seconded by Councilmember Jones and unanimously adopted by voice vote of the Council; with Councilmember Perkins abstaining due to a conflict of interest.

Henry Isaacson, attorney with offices located at 101 West Friendly Avenue and representing the property owners, William and Ruth Coble; and the developer, Portrait Homes; provided Council with detailed information regarding the rezoning request. He stated the information included significant changes from the original proposal and requested the Council to add the following amendments to the original conditions: "18) Amend condition #3 by adding the following after the words, detached dwellings on lots with a minimum area of 12,000 square feet; 19) Amend condition #7 by adding the following: such lighting shall be in the neotraditional style and design; 20) Amend condition #8 by adding: each deed of conveyance for single family lots in this tree preservation area shall contain a covenant requiring each property owner to maintain the 25 foot tree preservation area on such property; 21) Amend condition # 17 to read as follows: there shall be a maximum of 292 units with not more than 228 being attached townhomes; 22) A one acre tree preservation area shall be provided along Friendly Avenue, the location of which shall be approximately between the two driveways off of Friendly Avenue; 23) Developers shall construct

sidewalks in front of all buildings and single family lots. Sidewalks shall be five feet in width on all public streets and four feet in width on all private streets. 24) Developers shall plant street trees, deciduous trees 3" minimum caliper, on each side of all public streets. Street trees shall be a maximum of fifty feet on center. The location of such trees shall be determined in cooperation with the Greensboro Department of Transportation." Mr. Isaacson spoke to his opinions regarding objectives and benefits of the modified conditions. He addressed tree preservation areas, land use, density, traffic impact and neighbors' concerns.

Council member D. Vaughan moved that the modified conditions (numbered 18-24) be added to the proposed rezoning ordinance. The motion was seconded by Councilmember Jones and was unanimously adopted by voice vote of the Council with Councilmember Perkins abstaining due to a conflict of interest.

Councilmember Phillips requested clarification regarding terminology and at his request, the City Attorney outlined legal recourse should the restricted covenants be violated.

Paul Holz, representing Portrait Homes with offices located at 4411 West Market Street, spoke to the history of Portrait Homes, the company's work in Greensboro and its accomplishments. He discussed details of Portrait Home's research regarding the impact of the proposed development on local schools and details of communication with the residents. Mr. Host requested Council to approve the rezoning.

Mr. Martin presented a map of the area, described the property and provided the following staff recommendation:

The Planning Department recommends that this request be approved. Staff feels that the conditions which have been added, in conjunction with the previously proposed conditions, make this a better application – one that is now worthy of approval. One of the more notable additions is the fact that the portions of the property abutting the northern and eastern boundaries will now feature single family lots with a minimum size of 12,000 square feet which is compatible with the existing development along King George Drive, Gretchen Lane and Ashmont Drive. Unlike the application that the Zoning Commission reviewed, an added condition caps the number of townhouses at 228. Staff feels that the designation of the tree preservation area along West Friendly Avenue is an important addition. Finally, the provisions for sidewalks, deciduous street trees, and decorative street lighting enhance this application in terms of compatibility with adjacent and surrounding development.

Timothy, residing at 5401 Ashmont Drive, stated that a petition opposing the rezoning had been presented at the Zoning Commission hearing. He presented to Council an additional petition purportedly signed by citizens in opposition to the zoning and information from residents; he expressed concerns relative to impact on safety, density, traffic, the watershed and change in the character of the neighborhood.

Pat Fraham, residing at 5501 Ashmont Drive, expressed opposition to the rezoning and concern with respect to possible changes in character and harmony in the neighborhood if the rezoning were approved.

Mike Stone, residing at 805 Gretchen Lane spoke to the residents' recreational use of neighborhood streets and requested that Council deny the rezoning.

Gregory Rousser, residing at 5502 Ashmount Street; Willie Taylor, residing at 808-C Carriage Crossing Lane; and Verna Davis, residing at 620 Gretchen Lane; spoke to traffic, land use and watershed concerns detailed in the information presented; and requested Council to deny the rezoning.

Lengthy discussion followed regarding the residents concerns, interaction of the proponents and residents and principles of infill development and smart growth. Jim Westmoreland, Transportation Engineering and Planning Manager, provided information regarding traffic studies and recommendations for the neighborhood. Councilmember N. Vaughan requested transportation staff to review the project again to re-consider closure of a second road; she stated that in her opinion, the second access was unnecessary to the development. Ms. Johnson raised concerns about the need for additional watershed restrictions at the site and the impact of density on water quality.

Councilmember Phillips moved that the amended ordinance rezoning this property to Conditional Use – RM-8 Residential Multifamily be approved based on the following findings of fact:

- 1) The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety because there are no health or safety concerns inherent in the proposed residential use of the property.
- 2) The development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property because the multifamily density proposed is similar to the multifamily density to the west and because the single family neighborhoods to the north and east are buffered by proposed single family lots with a similar minimum size.
- 3) The location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because the maximum number of townhouses has been capped at 228, because a buffer of 12,000 square foot lots has been established, because a tree preservation area has been added along West Friendly Avenue, because provision for sidewalks has been made, and because a substantial number of street trees will be provided on both sides of all public streets.

The motion was seconded by Councilmember Jones; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Jones, Perkins, Phillips and D. Vaughan. Noes: Johnson and N. Vaughan.

00-3 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF CONDITIONAL USE PERMIT

NORTH SIDE OF WEST FRIENDLY AVENUE BETWEEN KING GEORGE DRIVE AND CARRIAGE CROSSING LANE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RS-12 Residential Single Family to Conditional Use – RM-8 Residential Multifamily (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point, said point being in the northern right-of-way line of West Friendly Avenue, said point also being the southwesterly corner of Carriage Village Condominiums as recorded in Condominium Plat Book 5, Page 27 in the Office of the Register of Deeds of Guilford County; thence along the eastern line of said Carriage Village Condominiums and Carriage Crossing Townhouses as recorded in Plat Book 79, Page 62, said line also being the centerline of a creek with the following thirty-four (34) courses and distances: thence (1) N01°39'55"E 109.08 feet to a point; thence (2) N06°28'31"W 65.46 feet to a point; thence (3) N46°42'17"W 55.16 feet to a point; thence (4) N08°25'42"W 37.77 feet to a point; thence (5) N15°15'26"E 21.04 feet to a point; thence (6) N01°08'45"W 46.14 feet to a point; thence (7) N19°50'50"E 47.57 feet to a point; thence (8) N74°59'38"E 85.52 feet to a point; thence (9) N18°49'38"E 21.45 feet to a point; thence (10) N30°17'14"W 86.01 feet to a point; thence (11) N03°16'16"E 48.52 feet to a point; thence (12) N20°06'11"W 40.28 feet to a point; thence (13) N60°55'42"W 103.48 feet to a point; thence (14) N39°43'09"W 35.38 feet to a point; thence (15) N07°39'28"W 31.19 feet to a point; thence (16) N48°05'32"W 57.10 feet to a point; thence (17) S89°17'02"W 57.66 feet to a point; thence (18) N08°31'59"W 29.14 feet to a point; thence (19) N38°13'15"W 86.20 feet to a point; thence (20) N05°33'15"W 52.12 feet to a point; thence (21) N25°23'45"W 94.11 feet to a point; thence (22) N00°47'08"W 52.60 feet to a point; thence (23) N08°25'51"E 39.33 feet to a point; thence (24) N30°36'16"W 96.26 feet to a point; thence (25) N30°19'56"E 44.24 feet to a point; thence (26) N44°06'00"W 32.10 feet to a point; thence (27) N05°16'35"W 47.03 feet to a point; thence (28) N20°10'36"W 37.61 feet to a point; thence (29) N16°05'46"E 38.99 feet to a point; thence (30) N09°09'13"W 108.74 feet to a point; thence (31) N02°43'39"E 30.29 feet to a point; thence (32) N16°11'40"W 69.77 feet to a point; thence (33) N66°54'03"E 58.77 feet to a point; thence (34) N47°27'24"E 75.19 feet to a point being the southern line of Marlee, Section 4 as recorded in Plat Book 49, Page 70 of said Guilford County Registry;

thence along said southern line S85°23'09"E 365.66 feet to a point, said point being the western right-of-way of Willow Spring Court; thence continuing along said southern line S85°14'01"E 149.77 feet to a point, said point being the southwestern corner of Marlee, Section 3 as recorded in Plat Book 49, Page 64; thence along the southern line of Marlee, Section 3 S85°11'59"E 479.50 feet to a point; thence continuing along said southern line S85°02'49"E 188.74 feet to a point, said point being in the western line of Marlee, Section 2 as recorded in Plat Book 49, Page 65; thence along said western line S20°25'21"E 137.23 feet to a point in the western line of Lot 65; thence S67°06'31"E 131.86 feet to a point; thence along the southwestern line of Lots 48, 47 and 46 S27°05'51"E 369.14 feet to a point, said point being the southwestern corner of Lot 46 of said Marlee, Section 2; thence along the southern lines of Lots 46 and 42 S88°00'37"E 85.17 feet to a point, said point being the northwestern corner of Quaker Acres as recorded in Plat Book 21, Page 44; thence along the western line of said Quaker Acres S02°09'44"W 542.57 feet to a point, said point being the southwestern corner of Lot 8 of said Quaker Acres; thence continuing along said western line S16°26'13"E 685.63 feet to a point, said point being the southwestern corner of Lot 1 of said Quaker Acres and a point in the northern right-of-way line of West Friendly Avenue; thence along said northern right-of-way line N81°15'01"W 1124.76 feet to a point, said point being in the eastern right-of-way line of Meadow Creek Lane (S.R. 2152); thence along said eastern right-of-way line the following five courses and distances: thence (1) N35°27'56"W 26.74 feet to a point; thence (2) N04°51'04"E 102.78 feet to a point; thence (3) N01°21'07"E 65.03 feet to a point; thence (4) N00°31'05"W 55.79 feet to a point; thence (5) N02°14'36"W 101.72 feet to a point; thence along the northern right-of-way line of said Meadow Creek Lane S87°48'06"W 60.00 feet to a point; thence along the western right-of-way line of said Meadow Creek Lane the following five courses and distances: thence (1) S02°14'36"E 100.86 feet to a point; thence (2) S00°31'05"E 53.90 feet to a point; thence (3) S01°21'07"W 62.21 feet to a point; thence (4) S04°51'04"W 94.93 feet to a point; thence (5) S55°09'53"W 29.07 feet to a point, said point being in the northern right-of-way line of West Friendly Avenue; thence N80°31'58"W 278.61 feet to the point of BEGINNING, containing 52.9215 acres more or less.

Section 2. That the issuance of a Conditional Use Permit in accordance with the above-mentioned change in zoning classification is hereby authorized subject to the following use limitations and conditions:

- 1) All residential uses permitted under RM-8 zoning district.
- 2) All units shall be designed for sale.
- 3) The portion of the property abutting the northern and eastern boundaries shall be developed solely with single family detached dwellings on lots with a minimum area of 12,000 square feet.
- 4) No trash compactor and no dumpster shall be located on the property other than for the purpose of collecting and removing construction debris, unless required by governmental authority.
- 5) Building construction shall consist of wood frame material with brick accents.
- 6) No building shall exceed two stories in height as viewed from the front of the building.
- 7) All street and other lighting shall be in harmony with the buildings constructed therein and shall be sufficient to provide adequate security for the inhabitants without disturbing adjoining property owners. Such lighting shall be in the neotraditional style and design.
- 8) Developer shall establish a twenty-five (25) foot tree preservation area along the northern and eastern boundaries within which all healthy trees four (4) inches and greater in caliper shall be preserved. Each Deed of Conveyance for single family lots in this tree preservation area shall contain a covenant requiring each property owner to maintain the 25 foot tree preservation area on such property.
- 9) A maximum of two (2) site access driveways from Friendly Avenue, one (1) aligned with Nora Drive and one (1) aligned with Friendway Road.
- 10) Developer shall provide a shared left-through lane and exclusive right turn lane for the southbound approach of the site driveway aligned with Friendway Road with a minimum of one hundred twenty-five (125) feet of storage for each lane.
- 11) Developer shall provide a shared left-through lane and exclusive right turn lane for the southbound approach of the site driveway aligned with Nora Drive with a minimum of fifty (50) feet of storage for each lane.
- 12) All the above designs and improvements shall conform to GDOT and NCDOT design standards as of the date of the approval of this application.
- 13) The developer shall control storm water run-off from all proposed built-upon areas and other new development areas on the site through the use of wet detention ponds or other best management practices

- meeting performance standards set forth in the City of Greensboro Watershed Protection regulations as of the date of the approval of this application. The pond will be designed to control the ten year storm event.
- 14) The wet detention pond and outfall will be located so that the piped outflow from the pond will be directed into the existing creek along the western boundary, not onto any adjoining property.
 - 15) The developer shall maintain an undeveloped buffer, i.e. an area free from impervious construction, one hundred (100) feet from the stream located at the western boundary. This stream buffer, which amounts to approximately 4.2 acres, shall then be dedicated to the City of Greensboro for public purposes at the time of subdivision plat recordation. The developer shall retain credit for the area within this buffer for purposes of calculating the overall allowable density of the remainder of the site.
 - 16) Developer shall connect its roadway system to Gretchen Lane and shall design and build its roadway so as to discourage thru traffic to the extent possible, all in cooperation with the Greensboro Department of Transportation.
 - 17) There shall be a maximum of 292 units with not more than 228 being attached townhomes.
 - 18) A one acre tree preservation area shall be provided along Friendly Avenue, the location of which shall be approximately between the two driveways off of Friendly Avenue.
 - 19) Developer shall construct sidewalks in front of all buildings and single family lots. Sidewalks shall be 5 feet in width on all public streets and four feet in width on private streets.
 - 20) Developer shall plant street trees (deciduous trees 3 inch minimum caliper) on each side of all public streets. Street trees shall be a maximum of 50 feet on center. The location of such trees shall be determined in cooperation with GDOT.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Tom Phillips

(A copy of information presented to Council is filed in Exhibit Drawer N, Exhibit Number 3 and is hereby referred to and made a part of these minutes.)

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The City Manager announced that although the Channel 13 live broadcast of the meeting was experiencing technical difficulty with visual transmission, the meeting was being successfully recorded for re-broadcasting.

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The Mayor declared a 10-minute recess at 8:10 p.m.

The meeting reconvened at 8:20 p.m.

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Mayor Holliday stated that this was the time and place set to consider an ordinance rezoning from General Office Moderate Intensity to RS-40 Residential Single Family for property located east of East Woodlyn Way, northeast of Pilot Elementary School and west of Norfolk-Southern Railroad right of way. He stated this matter was being heard on appeal filed by Trudy Atkins after receiving a 0-7 vote by the Zoning Commission to recommend denial of the request.

Robert Bolander, residing at 2516 West Woodland Way, provided information to Council and stated concerns regarding traffic, access and unsuccessful efforts to communicate with the developer. He requested that Council postpone the vote until the residents had an opportunity to meet with the developer as Councilmember Perkins had suggested.

John Lee Jellicorse, residing at 10 Forest Lake Circle, outlined opinions from sources in other cities, regarding the development proposal. He expressed concerns regarding safety, storm water effects on the lakes and potential changes to the character of the existing neighborhood.

Hal Richard, residing at 2627 East Woodlyn Way, spoke to his engineering background and past participation in community traffic concerns with Greensboro Department of Transportation staff. He offered his opinions with respect to the impact the proposed development would have on traffic and safety.

Councilmember Perkins clarified his efforts to arrange a meeting with the residents and the developer. He stated that during the process of arranging a meeting time, the residents filed a lawsuit, which resulted in termination of independent discussions between the residents and developer.

Henry Isaacson, attorney representing the developer, Landcraft Properties, presented and reviewed information with respect to the Pilot Ridge proposal. He stated that the developer opposed the rezoning because this was a third party rezoning without the property owners and consent; he offered his opinion on what conditions were appropriate for third party rezonings. Mr. Isaacson spoke to the status of the judicial proceedings of the neighbors law suit against Landcraft Properties and stated that the developer was still willing to meet with the residents under conditions appropriate to the pending legal appeal.

Upon request for clarification by Councilmember Phillips, the City Attorney advised that the legal conflict between the two parties had no bearing on the rezoning request.

John Cassell, Assistant Vice President for Landcraft Properties of Charlotte, NC, stated that his firm had bought and developed the land in accordance with the existing zoning ordinance; he discussed the cutting and planting of trees on the property.

Gary Hill, Vice President of Westminster Homes at 2706 North Church Street, stated his firm was under contract to build on a portion of the lots within the subject property. He voiced concern that granting this third party zoning could set a damaging precedent for other property owners and requested Council to deny the request.

Trudy Atkins, residing at 2517 Lakeshore Drive, briefly discussed the circumstances of communication efforts with the developer and the legal action the neighborhood had initiated. She stated that the neighborhood residents presently desired the opportunity to communicate with the developer.

Discussion followed regarding traffic impact studies, various concerns and possible postponement of Council's decision. Council commended both parties for agreeing to meet. Councilmember Perkins stated that in his opinion, the developer had exceeded requirements by acquiring additional property to provide a second access to the development to accommodate interests of the residents.

Councilmember Phillips moved that the public hearing be closed. The motion was seconded by Councilmember Johnson and was unanimously adopted by voice vote of the Council.

Councilmember Phillips made a motion to deny the ordinance. The motion was seconded by Councilmember Burroughs-White and was defeated on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Jones, Perkins, Phillips and D.Vaughan. Noes: Johnson and Vaughan.

(A copy of the ordinance as introduced and defeated and information provided to Council is filed in Exhibit Drawer N, Exhibit Number 3 and is hereby referred to and made a part of these minutes.)

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The Mayor declared a 10-minute recess at 10:00 p.m.

The meeting reconvened at 10:10 p.m.

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Mayor Holliday stated that this was the time and place set to consider an ordinance rezoning from RS-9 Residential Single Family to Conditional Use- Light Industrial with specific uses for property located on the east side of Swan Street between Immanuel Road and Camborne Street; and that this matter was being heard on an appeal filed by Robert E. Chandler, III after being denied by the Zoning Commission.

The Mayor administered the oath to those who wished to be heard.

Mr. Martin outlined the proposal, presented a map, described the property and surrounding area and provided the following staff recommendation:

This request is to rezone property from RS-9 Residential Single Family to Conditional Use – Light Industrial.

The RS-9 District is primarily intended to accommodate single family detached dwellings at a density of 4.0 units per acre or less.

The Light Industrial District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities.

CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT

- 1) Uses limited to an enclosed loading dock (attached to 2727 Immanuel Rd.), trash compactor, off-street parking & maneuvering areas, and one (1) enclosed accessory greenhouse structure.
- 2) Type A planting yard to be installed along the south property line at developed areas, with opaque fencing (min. 5 feet high) used where yard width is less than 40 feet. Required shrubs shall be installed south of any fencing. Evergreen trees (Leyland Cypress) shall be used as the canopy trees along the north edge of the planting yard, installed 8 feet on center. Required understory trees to be planted between canopy trees and shrubs/fence.
- 3) Floor area of accessory greenhouse limited to 800 square feet with a maximum height of 12 feet.

Mr. Martin presented slides and described the property, surrounding land use and zoning. He stated that the Zoning Commission had voted to deny the request.

Dennis Watson, Vice President of Chandler Foods at 2727 Immanuel Road, spoke to his firm's history; reasons for requesting the rezoning, and construction and landscaping plans. He presented a map of the area and a video to show his meat processing business operation and demonstrate his concerns regarding truck parking at the existing loading dock. Mr. Watson requested Council to approve the rezoning.

Mary Pinson, residing at 1208 Swan Street; Ralph Moore, residing at 2806 Cambourne Street; Pearl Patterson Fraser, residing at 2803 Cambourne Street; Angela Mayhand and Willie Mayhand, residing at 2510 Cambourne Street; and Randy Moore, residing at 1210 Swan Street and Dorothy Wooten, residing at 1209 Swan Street; spoke to numerous concerns about the impact the rezoning would have on the neighborhood. The Residents concerns included air quality and meat by-product pollution in the neighborhood; noise; traffic, peace and safety issues resulting from trucks driving and parking in the neighborhood; their perceptions of the company's efforts to address these concerns in the past and present; and additional commercial encroachment in this neighborhood.

Council discussed various options for truck traffic patterns and parking and successful efforts by another Greensboro business to address similar environmental concerns. They expressed concern that the noise and odor problems had been ongoing for many years and stated continued efforts would be required by the property owner to bring about resolution.

Council member Phillips moved that the public hearing be closed. The motion was seconded by Councilmember Johnson and was unanimously adopted by voice vote of the Council.

Mr. Martin provided the following staff recommendation.

The Planning Department recommends that this request be approved. This property was proposed for Light Industrial with no conditions and denied by both the Zoning Commission and City Council in 1990. The Planning Department recommended denial of that request. A reason for the staff recommendation was concern of additional nonresidential zoning going down Swan Street and protection of existing single family homes to the south. However, staff feels this request presents an opportunity to draw a distinctive zoning line with the hefty planting yard that is proposed along the south line of this property. This buffer yard should provide a total visual screen for the residence to the south. Currently, this lot is used for parking and no visual barrier exists between the loading and parking area and the single family dwelling. Staff feels this request also offers an opportunity to create a safer condition for trucks loading and unloading at this facility. On occasions, trucks have blocked Swan Street in order to access the existing loading dock. The new loading dock associated with this request will allow trucks to completely pull off the street which will promote a safer traffic situation.

Councilmember Phillips moved that the ordinance rezoning this property to Conditional use Light Industrial be denied based on the following findings of fact: Location and character of the development in accordance with the proposed conditions will not be in harmony with the area in which it is to be located and will not be in general conformity with the plan, the development of the city, and its environs because it will allow a business to encroach an established residential neighborhood.

The motion was seconded by Councilmember Burroughs-White and was defeated on the following roll call vote: Ayes: None. Noes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan.

(A copy of the ordinance as introduced and defeated and information provided to Council is filed in Exhibit Drawer N, Exhibit Number 3 and is hereby referred to and made a part of these minutes.)

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Moving to the Consent Agenda, the Mayor read the following ordinances into the record as required by the Greensboro Code of Ordinances:

- Ordinance amending in the amount of \$10,000 the State and Federal Fund Budget for continuing the tree inventory management project plan.
- Ordinance amending Chapter 16 of the Greensboro Code of Ordinances with respect to Traffic Regulations.
- Ordinance amending Chapter 2 of the Greensboro Code of Ordinances with respect to Administration.
- Ordinance amending in the amount of \$216,900, General Fund Budget to upgrade the existing sanitary sewer service to the soccer areas and to construct additional soccer facilities at Bryan Park.

After the Mayor requested a motion to approve the ordinance, resolutions and motions on the Consent Agenda, Councilmember Johnson moved adoption of the Consent Agenda. The motion was seconded by Councilmember Jones; the Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

00-7 **ORDINANCE AMENDING THE STATE AND FEDERAL FUND BUDGET
FOR CONTINUING THE TREE INVENTORY MANAGEMENT PLAN PROJECT**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State and Federal Grant Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State and Federal Grant Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
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220-5051-01.5413	Consultant Services	\$10,000
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and, that this increase be financed by increasing the following State and Federal Grant Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-5051-01.7110	State Grant	\$10,000

(Signed) Yvonne Johnson

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00-8 AMENDING CHAPTER 16
 AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH
 RESPECT TO TRAFFIC REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 16-96 of the Greensboro Code of Ordinances is hereby amended by changing Schedule 2A (Speed Limits on State Highway System Streets) as follows:

SR 2321 (Strawberry Road), from US 220 to the northern corporate limit of Greensboro, a point 0.19 mile east of US 220, in the corporate limit of Greensboro be changed from 55 mph to 45 mph

Section 2. This ordinance is based upon an engineering and traffic investigation pursuant to authority granted by G.S. 20-141(f) and (g) and shall become effective upon adoption of a concurring ordinance by the North Carolina Board of Transportation adopting the speed limits so fixed herein and signs are erected giving notice of the authorized speed limits.

Section 3. All ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

(Signed) Yvonne Johnson

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00-9 AMENDING CHAPTER 2
 AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF
 ORDINANCES WITH RESPECT TO THE COMPOSITION OF THE LIBRARY BOARD

Be in ordained by the City Council of the City of Greensboro:

Section 1. That Section 2-50 of the Greensboro Code of Ordinances is hereby amended to read as follows:

“Sec. 2-50. Continuation.

The Board of Trustees of the Greensboro Public Library, as originally created is hereby continued. The number of members is hereby increased from nine (9) members to ten (10) members effective on and after January 18, 2000. The tenth position will be reserved for the President of the Friends of the Library. The term of office on the Greensboro Public Library Board of Trustees for the President of the Friends of the Library shall be limited to that person’s term as president.

Section 2. That all the laws and clauses of the laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon adoption.

(Signed)Yvonne Johnson

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00-10 ORDINANCE AMENDING GENERAL FUND BUDGET TO upgrade the existing sanitary sewer service to the soccer areas and to construct additional soccer facilities AT BRYAN PARK.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 99-00 General Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the General Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-5055-03.5413	Consultant Services	\$22,600
101-5055-03.4130	Salaries & Wages Seasonal	1,000
101-5055-03.5627	Maintenance & Repair Other	<u>\$193,300</u>
TOTAL:		\$216,900

and, that this increase be financed by increasing the following General Fund account

<u>Account</u>	<u>Description</u>	<u>Amount</u>
101-0000-00.8900	Appropriated Fund Balance	\$216,900

(Signed)Yvonne Johnson

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6-00 RESOLUTION CALLING A PUBLIC HEARING FOR FEBRUARY 1, 2000 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED ON THE WEST SIDE OF PLEASANT RIDGE ROAD, NORTH OF WEST MARKET STREET– 9.06 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 18th day of January, 2000, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE WEST SIDE OF PLEASANT RIDGE ROAD, NORTH OF WEST MARKET STREET – 9.06 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point on the southwest property line of LorQuest Properties, LLC located on Pleasant Ridge Road, said point being located approximately 208 feet northwest of the northwest margin of Pleasant Ridge Road, said point also being on the city limit line which is located 200 feet northwest of and parallel to the northwest

margin of Pleasant Ridge Road, thence departing from the city limit line and running the following bearings and distances:

N 75° 05' W, approximately 86.5 feet; S 07° 39' W, approximately 151 feet;
S 26° 45' W, approximately 21.5 feet; N 85° 06' W, approximately 160 feet;
S 09° 26' W, 293.33 feet; N 85° 32' W, 243.36 feet; N 14° 34' 30" W, 867.5 feet; S 73° 24' E, approximately 851.7 feet; S 75° 29' E, approximately 44.2 feet to a point on the northeast property line of LorQuest Properties, LLC, said point also being on the city limit line; thence running with the city limit line S 31° 18' W, 204.93 feet to the point of BEGINNING, containing 9.06 acres based on a drawing by John T. Morgan dated 4/23/66.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after April 30, 2000, the liability for municipal taxes for the 1999-2000 fiscal year shall be prorated on the basis of 2/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2000. Municipal ad valorem taxes for the 2000-2001 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after April 30, 2000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF GREENSBORO:

That February 1, 2000, at 5:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than January 21, 2000.

(Signed) Yvonne Johnson

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7-00 RESOLUTION CALLING A PUBLIC HEARING FOR FEBRUARY 1, 2000 ON THE
ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED ON THE
EAST SIDE OF RENARD ROAD AND THE NORTH SIDE OF NEESE ROAD – 41.90 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 18th day of January, 2000, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE EAST SIDE OF RENARD ROAD AND THE NORTH SIDE OF NEESE ROAD – 41.90 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING AT AN EXISTING IRON PIPE, (SAID EXISTING IRON PIPE BEING IN THE SOUTH LINE OF PLAT BOOK 62 PAGE 111 AND ALSO BEING S 83 DEG 15 MIN 56 SEC E DISTANCE BEING 451.99 FEET FROM AN EXISTING STONE IN THE SOUTH WEST CORNER OF PLAT BOOK 62 PAGE 111); THENCE WITH THE SOUTH LINE OF PLAT BOOK 62 PAGE 111 S 83 DEG 15 MIN 52 SEC E, DISTANCE BEING 1162.00 FEET TO A POINT, (SAID POINT BEING THE NORTHEAST CORNER OF DEED BOOK 1163 PAGE 317); THENCE WITH THE SOUTH LINE OF PLAT BOOK 62 PAGE 111 S 83 DEG 15 MIN 52 SEC E, DISTANCE BEING 394.65 FEET TO THE SOUTH WEST CORNER OF PLAT BOOK 96 PAGE 141; THENCE WITH THE SOUTHERN MARGIN OF PLAT BOOK 96 PAGE 141 S 83 DEG 15 MIN 52 SEC E, DISTANCE BEING 1011.67 FEET TO A POINT IN THE SOUTH LINE OF LOT 165-B AS RECORDED IN PLAT BOOK 76 PAGE 24; THENCE S 00 DEG 11 MIN 31 SEC E, DISTANCE BEING 439.30 TO A POINT IN NEESE ROAD; THENCE WITH NEESE ROAD S 76 DEG 30 MIN 26 SEC W, DISTANCE BEING 238.35 FEET TO A POINT; THENCE S 79 DEG 00 MIN 05 SEC W, DISTANCE BEING 1444.98 FEET TO A POINT; THENCE S 71 DEG 36 MIN 40 SEC W, DISTANCE BEING 234.99 FEET TO A POINT THE EASTERN 60 FOOT RIGHT-OF-WAY FOR RENARD ROAD; THENCE WITH A EASTERN 60 FOOT RIGHT-OF-WAY FOR RENARD ROAD N 18 DEG 23 MIN 20 SEC W, DISTANCE BEING 95.08 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT CHORD BEARING N 28 DEG 42 MIN 47 SEC W, CHORD DISTANCE BEING 454.12 FEET AND HAVING A RADIUS OF 1266.97 FEET TO A POINT; THENCE N 39 DEG 02 MIN 13 SEC W, DISTANCE BEING 544.93 FEET TO A POINT, SAID POINT BEING THE NORTHEASTERN MOST CORNER ON A 60 FOOT RIGHT-OF-WAY FOR RENARD ROAD AS RECORDED IN PLAT BOOK 42 PAGE 2; THENCE S 47 DEG 53 MIN 51 SEC W, DISTANCE BEING 87.59 FEET AND BEING A NORTHEAST CORNER WITH HOVIS; THENCE WITH HOVIS NORTH LINE N 40 DEG 40 MIN 09 SEC W, DISTANCE BEING 125.05 FEET TO A POINT; THENCE STILL WITH HOVIS N 47 DEG 52 MIN 41 SEC E, DISTANCE BEING 61.17 FEET TO A POINT; THENCE WITH HOVIS N 04 DEG 57 MIN 37 SEC E, DISTANCE BEING 157.61 FEET TO THE POINT AND PLACE OF **BEGINNING**, CONTAINING 40.4 ACRES MORE OR LESS, BASED ON A SURVEY BY EVANS ENGINEERING DATED 01-05-2000

RENARD ROAD RIGHT OF WAY

BEGINNING AT AN IRON PIPE, (SAID IRON PIPE BEING THE SOUTH EAST CORNER OF LOT 12 AS RECORDED IN PLAT BOOK 30 PAGE 93); THENCE ALONG THE NORTHERN PROPERTY LINE OF SAID LOT 12 THE FOLLOWING THREE (3) COURSES: 1) N 18 DEG 23 MIN 20 SEC W, DISTANCE BEING 95.08 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT A CHORD BEARING OF N 28 DEG 42 MIN 47 SEC W, CHORD DISTANCE BEING 432.61 FEET AND HAVING A RADIUS OF 1206.97 FEET; THENCE N 39 DEG 02 MIN 13 SEC W, DISTANCE BEING 541.72 FEET ALONG SAID NORTHERN PROPERTY LINE OF LOT 12 AND THE NORTHERN PROPERTY LINES OF LOTS 23 AND 24 OF SAID PLAT BOOK 30 PAGE 93, TO THE POINT OF INTERSECTION WITH THE NANCY S. NEESE HEIRS PROPERTY AS DESCRIBED IN DEED BOOK 1163 PAGE 617; THENCE ALONG THE PROPERTY LINES OF SAID NEESE PROPERTY THE FOLLOWING FOUR (4) COURSES: 1) N 47 DEG 53 MIN 51 SEC E, DISTANCE BEING 60.09 FEET TO A POINT; 2) THENCE S 39 DEG 02 MIN 13 SEC E DISTANCE BEING 544.93 FEET TO A POINT; 3) THENCE WITH A CURVE TO THE RIGHT A CHORD BEARING OF S 28 DEG 42 MIN 47 SEC E, CHORD DISTANCE BEING 454.12 FEET AND HAVING A RADIUS OF 1266.97 FEET; 4) THENCE S 18 DEG 23 MIN 20 SEC E, DISTANCE BEING 95.08 FEET TO THE POINT OF INTERSECTION WITH THE NORTHERN RIGHT-OF-WAY LINE OF NEESE ROAD; THENCE ALONG SAID NORTHERN RIGHT-OF-WAY LINE S 71 DEG 36 MIN 40 SEC W, DISTANCE BEING 60.01 FEET TO THE POINT AND PLACE OF **BEGINNING** CONTAINING 1.5 ACRES MORE OR LESS, BASED ON A SURVEY BY EVANS ENGINEERING DATED 01-05-2000.

TOTAL AREA IS 41.90 ACRES.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall

receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after April 30, 2000, the liability for municipal taxes for the 1999-2000 fiscal year shall be prorated on the basis of 2/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2000. Municipal ad valorem taxes for the 2000-2001 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after April 30, 2000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That February 1, 2000, at 5:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than January 21, 2000.

(Signed) Yvonne Johnson

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8-00 RESOLUTION CALLING A PUBLIC HEARING FOR FEBRUARY 1, 2000 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED ON THE WEST SIDE OF HORSE PEN CREEK ROAD – 13.01 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 18th day of January, 2000, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE WEST SIDE OF HORSE PEN CREEK ROAD – 13.01 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at the southwest corner of Lot 1, Caldwell Academy, as recorded at Plat Book 135, Page 54 in the Office of the Guilford County Register of Deeds; thence N 07° 49' 59" E 350.00 feet along the west line of said lot to a point; thence N 20° 35' 13" W 566.55 feet along said west line to the northwest corner of said lot; thence N 81° 40' 24" E 810.04 feet to a point east of the center line of Horse Pen Creek Road; thence continuing N 81° 40' 24" E to the east right-of-way line of said road; thence in a southerly direction along said east right-of-way line approximately 900 feet to the intersection of said right-of-way line and the westward projection of the north line of Lot 1 of City of Greensboro "K" Middle School Site, as recorded at Plat Book 132, Page 139; thence N 89° 53' 40" W approximately 80 feet, crossing Horse Pen Creek Road to a point in the west right-of-way line of said road; thence in a southerly direction along said west right-of-way line approximately 80 feet to the southwest corner of Lot 1, Caldwell Academy; thence N 87° 58' 30" W 545.00 feet to the point and place of BEGINNING, and containing 13.01 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after April 30, 2000, the liability for municipal taxes for the 1999-2000 fiscal year shall be prorated on the basis of 2/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2000. Municipal ad valorem taxes for the 2000-2001 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after April 30, 2000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That February 1, 2000, at 5:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than January 21, 2000.

(Signed) Yvonne Johnson

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9-00 RESOLUTION CALLING A PUBLIC HEARING FOR FEBRUARY 1, 2000 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED ON THE EAST SIDE OF HORSE PEN CREEK ROAD – 102.39 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 18th day of January, 2000, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE EAST SIDE OF HORSE PEN CREEK ROAD – 102.39 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing city limits of the City of Greensboro, said point being in the east line of Lot 1 of Property of Greensboro Montessori School, as recorded at Plat Book 121, Page 86 in the Office of the Guilford County Register of Deeds; thence N 03° 36' E approximately 90 feet along the east line of said Lot 1 to the northeast corner of said lot; thence N 88° 27' W 724.22 feet along the north line of said Lot 1 to the northwest corner of said Lot 1; thence continuing N 88° 27' W approximately 60 feet, crossing Horse Pen Creek Road, to a

point on the west right-of-way line of said road; thence in a northerly direction with said west right-of-way line approximately 1,142 feet to the intersection of said right-of-way line and the westward projection of the north line of Lot 1 of City of Greensboro "K" Middle School Site, as recorded at Plat Book 132, Page 139, thence S 89° 53' 40" E approximately 460 feet, crossing Horse Pen Creek Road and running with the north line of said Lot 1, to a point in said north line; thence S 89° 50' 54" E 1,230.82 feet to a point in the north line of Lot 2 of said subdivision; thence S 89° 53' 05" E 558.11 feet to a point in the north line of said Lot 2; thence S 89° 49' 42" E 362.46 feet to the northeast corner of said Lot 2, a point in the existing city limits; THENCE PROCEEDING THE FOLLOWING COURSES AND DISTANCES WITH THE EXISTING CITY LIMITS: S 04° 13' 54" W 1,715.89 feet to a point in the east line of that property Dedicated to City of Greensboro as Drainageway and Open Space in said subdivision; thence S 03° 36' 10" W 161.52 feet along said east line to a point in the center of Horsepen Creek; thence in a southwesterly direction with the meandering of the center line of Horsepen Creek approximately 950 feet to its confluence with a tributary stream; thence N 66° 14' W approximately 60 feet along the north line of Dean Dean R. Warrington, as recorded at Deed Book 3921, Page 899, along said tributary stream to a point; thence N 49° 29' W 78.47 feet along said north line to a point; thence S 65° 40' W 63.97 feet along said north line to a point; thence N 49° 30' W 50.45 feet along said north line to a point; thence N 05° 30' E 60.00 feet along the east line of Drainageway and Open Space on Map 2 of Section 4 of Quaker Run, as recorded at Plat Book 106, Page 123 to a point; thence N 54° 30' W 105.00 feet along the northeast line of said Drainageway and Open Space along said stream to a point; thence S 78° 22' W 88.24 feet along the north line of Drainageway and Open Space and Common Area on said Map 2 to a corner of Lot 17 on said Map 2; thence N 63° 14' 51" W 83.35 feet along the north lines of Lots 17, 16, and 15 of Map 2 to a point; thence N 38° 45' 13" W 81.96 feet along the north lines of Lots 15 and 14 of Map 2 to a point; thence S 53° 17' 13" W 23.94 feet along the north line of Lot 14 to point; thence N 31° 30' 19" W 72.01 feet along the north lines of Lots 14 and 13 of Map 2 to a point; thence N 80° 34' 50" W 24.36 feet along the north line of said Lot 13 to a point; thence N 11° 11' 44" W 143.46 feet along the east line of Map 1 of Section 4 of Quaker Run, as recorded at Plat Book 104, Page 88, to a point; thence N 26° 56' 19" W 147.68 feet along said east line to a point; thence N 31° 34' 35" W 200.71 feet along said east line to a point in the center line of said stream at the northeast corner of the Common Area on said Map 1; thence in a northerly direction along the centerline of said stream and then along the south and west shorelines of a lake on property (formerly) of Arthur Freedman approximately 700 feet to the northernmost point of said lake; thence in a westerly direction approximately 290 feet to the point and place of BEGINNING, and containing 102.39 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after April 30, 2000, the liability for municipal taxes for the 1999-2000 fiscal year shall be prorated on the basis of 2/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2000. Municipal ad valorem taxes for the 2000-2001 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after April 30, 2000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That February 1, 2000, at 5:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than January 21, 2000.

(Signed) Yvonne Johnson

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10-00 RESOLUTION CALLING A PUBLIC HEARING FOR FEBRUARY 1, 2000 ON THE
ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED ON THE
EAST SIDE OF HORSE PEN CREEK ROAD – 1.54 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 18th day of January, 2000, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED ON THE EAST
SIDE OF HORSE PEN CREEK ROAD – 1.54 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing city limits of the City of Greensboro, said point being in the west right-of-way line of Horse Pen Creek Road; thence in a northerly direction with the said west right-of-way line approximately 84 feet to the intersection of said right-of-way line and the westward projection of the north line of Lot 1 of Property of Greensboro Montessori School, as recorded at Plat Book 121, Page 86 in the Office of the Guilford County Register of Deeds; thence S 88° 27' E approximately 60 feet, crossing Horse Pen Creek Road, to the northwest corner of said Lot 1; thence S 88° 27' E 724.22 feet along the north line of said Lot 1 to the northeast corner of said Lot 1; thence S 03° 36' W approximately 90 feet along the east line of said Lot 1 to a point in the existing city limits; THENCE WITH THE EXISTING CITY LIMITS in a westerly direction approximately 210 feet to the northeast corner of the original Lot 1; as recorded at Plat Book 90, Page 12; thence N 88° 27' W approximately 563 feet along the north line of said lot and the westward projection of said north line to the point and place of BEGINNING, and containing 1.54 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after April 30, 2000, the liability for municipal taxes for the 1999-2000 fiscal year shall be prorated on the basis of 2/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2000. Municipal ad valorem taxes for the 2000-2001 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after April 30, 2000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That February 1, 2000, at 5:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than January 21, 2000.

Signed (Yvonne Johnson)

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11-00 RESOLUTION AUTHORIZING INSTALLATION OF SEWER LINE FROM OUTFALL
SERVING FOXCROFT SUBDIVISION TO PROPERTY ON BLACKBERRY ROAD UNDER
AGREEMENT BETWEEN CITY OF GREENSBORO AND GUILFORD COUNTY

WHEREAS, Guilford County has recently authorized the installation of an 8-inch sewer line from the existing sewer outfall serving the Foxcroft Subdivision to property on Blackberry Road to serve Love and Faith Christian Church on Blackberry Road, in accordance with the Consolidated Water and Sewer Agreement between the County and the City;

WHEREAS, the project will be privately financed by the owner;

WHEREAS, in the opinion of the City Council, the best interest of the City will be served by the construction of the sewer line in accordance with said Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
GREENSBORO:

That the construction of the above mentioned sewer line in accordance with the Agreement between the City of Greensboro and Guilford County is hereby authorized; provided that there shall be no assessments levied.

(Signed)Yvonne Johnson

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12-00 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN
PORTION OF THE PROPERTY OF TRIUMPH PROPERTIES, IN CONNECTION WITH THE
CHURCH STREET SIDEWALK PROJECT

WHEREAS, Triumph Properties, a NC General Partnership are the owners of certain property located on 121 Berryman Street, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Church Street Sidewalk Project;

WHEREAS, negotiations with the owners at the appraised value of \$321.00 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$321.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is

hereby authorized to issue a draft in the amount of \$321.00 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 402-6001-01.6012.

(Signed) Yvonne Johnson

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13-00 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO
CONDEMN PORTION OF THE PROPERTY OF FRED CURL AND WIFE, SYLVIA J. CURL,
IN CONNECTION WITH THE LANDFILL BUFFER PROJECT

WHEREAS, Fred Curl and wife, Sylvia J. Curl are the owners of certain property located at 1223-1225 Rankin Mill Road, Greensboro, NC 27405, said property being as shown on the attached map;

WHEREAS, said property is required by the City in connection with the Landfill Buffer Project;

WHEREAS, negotiations with the owners at the appraised value of \$105,000.00 have been unsuccessful and said of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$105,000.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$105,000.00 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 553-6509-03.6011.

(Signed) Yvonne Johnson

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Motion to make a part of the minutes report of budget adjustments covering period December 1-31, 1999, was unanimously adopted.

Motion to approve minutes of regular meetings of 21 December 1999 and 4 January 2000 was unanimously adopted.

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Mayor Holliday introduced a resolution approving expenditure of \$10,000 from Contingency Fund to sponsor the Carolina Minority Supplier Development Council Business Opportunities Conference.

Council discussed the Carolina Minority Supplier Development Council's (CMSDC) request for the City to contribute to funding their upcoming conference. Kathleen Smith, Director of the Greensboro Minorities and Women Business Enterprise Office, provided information on various aspects of the conference and sponsorship options for the City. It appeared to be the consensus of Council that consistent criteria for information to use as a basis to make decisions regarding requests of this nature should be established. Councilmember Phillips stated that he would need financial information related to the non-profit status, budget and a financial statement, and what the City's sponsorship would provide. Ms. Smith stated she would forward Council's request to the CMSDC Conference Committee and report back to Council. Councilmember Jones requested the same information be provided to him regarding the City's expenses incurred while hosting the North Carolina League of Municipalities Conference in Greensboro. The Manager stated this information would be provided.

Councilmember Phillips motioned to table the resolution. The motion was seconded by Councilmember D. Vaughan and adopted 6-3 by voice vote of the Council.

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The Mayor introduced a resolution approving and authorizing adjustment in the amount of \$23,554.64 for water and sewer bill to Elastic Fabrics for service to 702 Industrial Boulevard.

Allan Williams, Greensboro Water Resources Director provided information regarding the underground leak in Elastic Fabric's water line, the resulting water loss and the action recommended to Council to adjust the bill in accordance with existing policy.

The City Manager stated that due to scarce water resources, this incident indicated a need to examine the overall policy and consider proposals for ordinance changes.

Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

14-00 RESOLUTION APPROVING AND AUTHORIZING ADJUSTMENT TO WATER AND SEWER BILL TO ELASTIC FABRICS FOR SERVICE TO 701 INDUSTRIAL BOULEVARD

WHEREAS, under the Rules and Regulations for the Operation of the Water and Wastewater System of the City of Greensboro the Water Resources Customer Service Department is occasionally required to make adjustments to customer service bills;

WHEREAS, Elastic Fabrics is the owner of property located at 701 Industrial Boulevard;

WHEREAS, there was a major break in the 10' fire main line at the property and repairs were made to the line as soon as the customer discovered the break;

WHEREAS, the city has researched the history of this customer and based on past usage has calculated an adjustment of \$23,554.64 in accordance with the above mentioned Rules;

WHEREAS, while the amount of water loss was considerable, it has been determined that \$18,259.92 represents the sewer rebate and \$5,294.72 represents the water rebate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the reduction of this water bill is hereby approved and the Water Resources Customer Service Department is hereby authorized to reduce the bill to Elastic Fabrics for service to 701 Industrial Boulevard by \$23,554.64.

(Signed) Donald R. Vaughan

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After Mayor Holliday introduced a resolution approving bid in the amount of \$2,437,000 and authorizing execution of Contract No. 2007-to KenMor Electric Company LP for standby power at T.Z. Osborne Water Reclamation Facility, Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

15-00 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2000-07 WITH KENMOR ELECTRIC CO. LP FOR STANDBY POWER AT T.Z. OSBORNE PLANT PROJECT

WHEREAS, after due notice, bids have been received for standby power generation improvements for the T.Z. Osborne Plant project;

WHEREAS, the award of this bid is subject to approval of the North Carolina Department of Environmental and Natural Resources;

WHEREAS, KenMor Electric Co. LP, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$2,437,000.00 as general contractor for Contract No. 2000-07, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by KenMor Electric Co. LP is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract, upon approval by the State, to carry the proposal into effect, payment to be made from the NC State Loan Revolving Fund with debt service provided from Water and Sewer funds (501).

(A tabulation of bids for standby power at T.Z. Osborne Plant Project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

(Signed) Earl Jones

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After Mayor Holliday introduced a resolution approving bid in the amount of \$1,332,000 and authorizing execution of Contract No. 2000-6 to T.A. Loving Company, Inc. for Solids Handling Improvements- Contract No. 1., Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

16-00 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2000-06 WITH T.A. LOVING CO., INC. FOR SOLIDS HANDLING IMPROVEMENTS – CONTRACT NO. 1 FOR THE T.Z. OSBORNE WATER RECLAMATION FACILITY PROJECT

WHEREAS, after due notice, bids have been received for solids handling improvements for the T.Z. Osborne Water Reclamation Facility project;

WHEREAS, the award of this bid is subject to approval of the North Carolina Department of Environmental and Natural Resources;

WHEREAS, T. A. Loving Co., Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$1,332,000.00 as general contractor for Contract No. 2000-06, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by T. A. Loving Co., Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract, upon approval by the State, to carry the proposal into effect, payment to be made from the NC State Loan Revolving Fund with debt service provided from Water and Sewer funds (501).

(A tabulation of bids for Solids Handling Improvements- Contract No. 1, is filed with the above resolution and is hereby referred to and made a part of these minutes.)

(Signed) Sandy Carmany

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The Mayor introduced the following resolutions so that these matters could be discussed together: a resolution approving bid in the amount of \$241,996 and authorizing execution of Contract No. 00-000503 with Lomax Construction, Inc. of Greensboro for World War Memorial Stadium Courts; and a resolution approving bid

in the amount of \$227,926, and authorizing execution of Contract No. 00-000502 with Court One for the World War Memorial Stadium Tennis Courts.

Bill Bunting ,Jr. residing at 4019 Saltee Road, expressed his opinions with respect to adding hard courts to the tennis court upgrade. Mark Bush , Greensboro Parks and Recreation Special Facilities and Landscape Manager, provided information on tennis court scheduling and assignment in the Parks & Recreation tennis program. Council discussed various aspects of hard and soft tennis courts and the possibility of upgrading to provide both playing options. Mitchell Johnson, Greensboro Technology and Facilities Director, stated that a savings would be incurred by lowering the contract amount to \$205,725 if the soft and hard-court upgrade was chosen. It appeared to be the consensus of Council to include soft and hard courts in the upgrade.

Councilmember Johnson motioned to amend the amount in the resolution approving bid in the amount of \$227,926, and authorizing execution of Contract No. 00-000502 with Court One for the World War Memorial Stadium Tennis Courts to \$205,725. The motion was seconded by Councilmember Phillips and was unanimously adopted by voice vote of Council.

Councilmember D. Vaughan moved to adopt the amended resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

18-00 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO.
00-000502 WITH COURT ONE FOR WORLD WAR MEMORIAL STADIUM TENNIS
COURTS PROJECT

WHEREAS, after due notice, bids have been received for the tennis court construction of the World War Memorial Stadium Tennis Courts project;

WHEREAS, Court One, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$205,725.00 as general contractor for Contract No. 00-000502, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Court One is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract, to carry the proposal into effect, payment to be made from Account No. 431-5095-01.6019 CBR 021.

(Signed) Donald R. Vaughan

(A tabulation of bids for tennis court building and site construction of War Memorial Stadium Tennis Courts project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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Council member Johnson moved that the resolution approving bid in the amount of \$241,996 and authorizing execution of Contract No. 00-000503 with Lomax Construction, Inc. of Greensboro for World War Memorial Stadium Courts be adopted. The motion was seconded by Councilmember Jones and was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

17-00 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 00-000503 WITH LOMAX CONSTRUCTION INC. FOR WORLD WAR MEMORIAL STADIUM TENNIS COURTS PROJECT

WHEREAS, after due notice, bids have been received for the tennis court building and site construction of the World War Memorial Stadium Tennis Courts project;

WHEREAS, Lomax Construction, Inc, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$241,996.00 as general contractor for Contract No. 00-000503, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Lomax Construction, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract, to carry the proposal into effect, payment to be made from Account No. 431-5095-01.6019 CBR 021.

(Signed) Yvonne Johnson

(A tabulation of bids for general contractor of the World War Memorial Stadium Tennis Courts Project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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After the City Manager stated that an addendum item had been prepared due to the Council's decision to change the time at their next meeting, Mayor Holliday introduced an ordinance amending Chapter 2 of the Greensboro Code of Ordinances with respect to Council Meetings.

Councilmember Burroughs-White moved adoption of the ordinance. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

00-11 AMENDING CHAPTER 2

AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO COUNCIL MEETINGS

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Section 2-16 of the Greensboro Code of Ordinances is hereby amended by changing the regular meeting time of the City Council meeting of 1 February 2000 to 5:00 p.m. in lieu of 6:00 p.m.

Section 2. That all laws and clauses of laws in conflict of the provision of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. That this Ordinance shall become effective immediately upon adoption.

(Signed) Claudette Burroughs- White

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Council members praised the recent events of celebration in honor of Martin Luther King, Jr. Day.

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Councilmember Burroughs-White moved that Celestine Simmons be appointed to serve on the Redevelopment Commission; this term will expire on 17 December 2004. The motion was seconded by Councilmember Jones and unanimously adopted by voice vote of the Council.

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Councilmember Johnson added the name of Marvin Watkins to the boards and commissions data bank for consideration of future service on the Zoning Commission.

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Mayor Holliday moved that Mary C. Eubanks be appointed to serve as Chairperson of the Historic Preservation Commission. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of the Council.

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Councilmember Perkins added the name of Joyce Farleigh to the boards and commissions data bank for consideration of future service.

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The City Manager spoke to present and expected winter storm conditions and actions being taken by snow crews in the Department of Transportation.

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Councilmember Burroughs-White moved that the City Council adjourn. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 11:57 P.M.

SUSAN E. CROTTS
DEPUTY CITY CLERK

KEITH A. HOLLIDAY
MAYOR
